

A joint resolution for the relief of Thos. Ward ; read third time and passed.

A joint resolution instructing our Senators and requesting our Representatives in the United States Congress to procure the establishment of certain mail routes upon which the mail shall be transported in coaches and hacks ; read second time, and, on motion of Mr. Ward, referred to a select committee of five.

Messrs. Ward, Taylor, Gage, Latimer and Hart were appointed said committee.

A bill to be entitled an act to empower and require the county courts in cases of emergency to fill, by temporary nomination, the offices of sheriff and coroner, or either of them ; read second time and, on motion of Mr. Wallace, referred to Judiciary Committee.

A bill to be entitled an act to provide for ceding to the United States jurisdiction of certain lands in this State for public purposes ; read second time and ordered to be engrossed.

Mr. Wallace introduced a bill to be entitled an act to amend the first, second and third sections of the act concerning divorce and alimony ; read first time.

On motion of Mr. Wallace, the Senate adjourned.

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THURSDAY, 9 O'CLOCK, A. M., November 22, 1849.

The Senate was called to order by the President. Senators present: Messrs. Brashear, Burleson, Cooke, Davis, Gage, Grimes, Hart, Latimer, McRae, Moffett, Portis, Robertson, Taylor, Trait, Ward, Walker and Wallace. The journals of yesterday were read and adopted.

Mr. Taylor, chairman of the committee on Roads, Bridges and Ferries, to whom was referred a bill to amend the ninth section of an act authorizing and requiring county courts to regulate roads, appoint overseers, &c., reported a substitute for the same and recommended its adoption.

Mr. McRae, from the committee on Contingent Expenses, reported that he had purchased two copies of De Cordova's map of the State of Texas for the use of the Senate at five dollars per copy, in accordance with a resolution of the Senate.

Mr. Wallace, chairman of the committee on Enrolled Bills, reported as correctly enrolled an act to incorporate the Austin College, and that the same was presented to the Governor for his signature, on the 21st inst.

Mr. Latimer, chairman of the committee on Public Lands, to whom was referred a joint resolution granting further time for the payment of government dues and the return of field notes, reported the same back to the Senate, with the following additional section as an amendment, to be

SEC. 2. *Be it further resolved*, That the field notes of all surveys heretofore made and not returned to the General Land Office by the time specified in the first section, be and the same are hereby declared null and void; and recommended its adoption and the passage of the bill.

Mr. Phillips, chairman of the Judiciary committee, to whom was referred the petition of Benjamin Bryant, reported the same back to the Senate and asked to be discharged from its further consideration.

Mr. Phillips, from the same committee, made the following report: The committee on the Judiciary, to whom was referred a bill to regulate proceedings by *certiorari*, consider that the sixtieth section of the act to organize justices' courts, and to define the powers and jurisdiction of the same, sufficiently provides for the subject matter proposed in this bill. Your committee, therefore, advise that it be laid upon the table; read and placed among the orders of the day.

Mr. Truit offered the following resolution:

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of repealing the 17th section of an act entitled an act to provide for the assessment and collection of taxes, approved March 20th, 1848, and that they take under consideration the propriety of repealing or amending said section so that it shall be lawful for any person or persons who may own lands or other property liable to taxation situated in any other county than that in which such person or persons may reside, to pay all taxes due upon the same to the assessor and collector of the county in which such person or persons may reside, and that the committee be required to report by bill or otherwise as they may think expedient; adopted.

#### ORDERS OF THE DAY.

Mr. Grimes in the chair.

A bill to be entitled an act to fix the salaries and per diem pay of officers not otherwise provided for by law.

Mr. Phillips moved to take the vote on the salary of each officer separately; carried.

Mr. Phillips moved to strike out \$1200 for salary of Commissioner of the General Land Office.

The yeas and nays being called for, stood thus:

YEAS: Messrs. Brashear, Burleson, Davis, Gage, Moffett, Pease, Phillips, Portis, Robertson, Taylor and Van Derlip—11.

NAYS: Messrs. Cooke, Grimes, Hart, Latimer, McRae, Trout, Ward, Walker and Wallace—9; carried.

Mr. Phillips moved to fill the blank with \$1500; which was carried by the following vote:

YEAS: Messrs. Brashear, Burleson, Davis, Gage, Moffett, Pease, Phillips, Portis, Robertson, Taylor and Van Derlip—11.

NAYS: Messrs. Cooke, Grimes, Hart, Latimer, McRae, Trout, Ward, Walker and Wallace—9.

Mr. Robertson moved to strike out \$800 and insert \$1000, and insert \$1000 for salary of Chief Clerk of the General Land Office. A division of the question being called for, the motion to strike out was lost. The question recurring on the motion of Mr. Robertson to strike out 800 and insert 1000 was carried by the following vote:

YEAS: Messrs. Brashear, Davis, Gage, Moffett, Pease, Phillips, Portis, Robertson, Taylor, Van Derlip and Ward—11.

NAYS: Messrs. Burleson, Cooke, Grimes, Hart, Latimer, McRae, Trout, Walker and Wallace—9.

Mr. Phillips moved to fill the blank in the salary of Spanish clerk with \$800.

Mr. Brashear moved to fill the blank with \$1000; upon which the yeas and nays were called, and stood:

YEAS: Messrs. Brashear, Davis, Gage, Moffett, Portis, Robertson and Van Derlip—7.

NAYS:—Messrs. Burleson, Cooke, Grimes, Hart, Latimer, McRae, Pease, Phillips, Taylor, Trout, Ward, Walker and Wallace—13.

Mr. Cooke moved to fill the blank with 900; upon which the yeas and nays stood:

YEAS: Messrs. Brashear, Cooke, Davis, Gage, Moffett, Portis, Robertson, Taylor and Van Derlip—9.

NAYS: Messrs. Burleson, Grimes, Hart, Latimer, McRae, Pease, Phillips, Trout, Ward, Walker and Wallace—11; lost.

Mr. Ward moved to fill the blank with 800; carried by the following vote.

YEAS: Messrs. Burleson, Gage, Grimes, Hart, Latimer, McRae, Pease, Phillips, Taylor, Trout, Ward, Walker and Wallace—13.

NAYS: Messrs. Brashear, Cooke, Davis, Moffett, Portis, Robertson and Van Derlip—7.

Mr. Robertson moved to lay the bill on the table until Monday next; lost.

Mr. Phillips moved to strike out 550, and insert \$600 for pay of other clerks in the General Land Office.

Mr. Portis moved to strike out 550, and insert 750; Mr. Hart moved a division of the question—motion to strike out carried.

Mr. Portis moved to fill the blank with 750; upon which the yeas and nays were called, and stood thus:

YEAS: Messrs. Brashear, Davis, Moffett, Portis, Robertson and Taylor—6.

NAYS: Messrs. Burleson, Cooke, Gage, Grimes, Hart, Latimer, McRae, Pease, Phillips, Truit, Van Derlip, Ward, Walker and Wallace—14; lost.

On motion of Mr. Phillips, the blank was filled with 600.

Mr. Phillips moved to strike out 750, and insert 1000 for salary of draftsman of the General Land Office; a division of the question being called for, the yeas and nays on striking out stood:

YEAS: Messrs. Cooke, Davis, Gage, Moffett, Pease, Phillips, Robertson, Taylor and Van Derlip—9.

NAYS: Messrs. Brashear, Burleson, Grimes, Hart, Latimer, McRae, Portis, Truit, Ward, Walker and Wallace—11; lost.

The question then recurred on Mr. Phillips' motion to strike out 750, and insert 1000, upon which the yeas and nays were called and stood thus:

YEAS: Messrs. Davis, Gage, Pease, Phillips and Taylor—5.

NAYS: Messrs. Brashear, Burleson, Cooke, Grimes, Hart, Latimer, McRae, Moffett, Portis, Robertson, Truit, Van Derlip, Ward, Walker and Wallace—15; lost.

Mr. Van Derlip moved to strike out 750, and insert 800; upon which the yeas and nays were called, and stood thus:

YEAS: Messrs. Gage, Hart, Latimer, Moffett, Pease, Taylor, Van Derlip and Ward—8.

NAYS: Messes. Brashear, Burleson, Cooke, Davis, Grimes, McRae, Phillips, Portis, Robertson, Truit, Walker and Wallace—12; lost.

Mr. Phillips moved to strike out 750, and insert 900; upon which the yeas and nays were called for, and stood as follows:

YEAS: Messrs. Cooke, Davis, Gage, Pease, Phillips and Taylor—6.

NAYS: Messrs. Brashear, Burleson, Grimes, Hart, Latimer, McRae, Moffett, Portis, Robertson, Truit, Van Derlip, Ward, Walker and Wallace—14; lost.

Mr. Burleson moved to strike out 750, and insert 600; upon which the yeas and nays were called for, and stood as follows:

YEAS: Messrs. Brashear, Burleson, Portis, Robertson, Truit, Walker and Wallace—7.

**NAYS:** Messrs. Cooke, Davis, Gage, Grimes, Hart, Latimer, McRae, Moffett, Pease, Phillips, Taylor Van Derlip and Ward—13; lost.

Mr. Cooke moved to strike out 750, and insert 850; upon which yeas and nays were called for, and stood thus:

**YEAS:** Messrs. Cooke, Davis, Gage, Pease, Phillips, Taylor, Van Derlip and Ward—8.

**NAYS:** Messrs. Brashear, Burleson, Grimes, Hart, Latimer, McRae, Moffett, Portis, Robertson, Truit, Walker and Wallace—12; lost.

Mr. Portis moved to strike out 1000, and insert 1500 for salary of Comptroller; a division of the question being called for, the motion to strike out was carried by the following vote:

**YEAS:** Messrs. Davis, Gage, Grimes, Hart, Moffett, Pease, Phillips, Portis, Robertson, Taylor, Van Derlip and Ward—12.

**NAYS:** Messrs. Brashear, Burleson, Cooke, Latimer, McRae, Truit, Walker and Wallace—8.

Mr. Portis moved to fill the blank with 1500; upon which the yeas and nays were called and stood as follows:

**YEAS:** Messrs. Davis, Moffett, Phillips and Portis; 4.

**NAYS:** Messrs. Brashear, Burleson, Cooke, Gage, Grimes, Hart, Latimer, McRae, Pease, Robertson, Taylor, Truit, Van Derlip, Ward, Walker and Wallace—16; lost.

On motion of Mr. Gage, the blank was filled with 1200 by the following vote:

**YEAS:** Messrs. Cooke, Gage, Grimes, Hart, Moffett, Pease, Phillips, Portis, Taylor, Van Derlip and Ward—11.

**NAYS:** Messrs. Brashear, Burleson, Davis, Latimer, McRae, Robertson, Truit, Walker and Wallace—9; carried.

Mr. Gage moved to strike out 550, and insert 600 for salary of clerk in Comptroller's office; carried.

Mr. Ward moved to strike out 1000, and insert 1200 for salary of Treasurer; a division of the question being called for, and the yeas and nays being called on the motion to strike out, stood as follows:

**YEAS:** Messrs. Cooke, Gage, Hart, Pease, Phillips, Robertson, Taylor, Van Derlip and Ward—9.

**NAYS:** Messrs. Brashear, Burleson, Grimes, Latimer, McRae, Moffett, Portis, Truit, Walker and Wallace—10; motion to strike out lost.

Mr. Gage moved to strike out 1000, and insert 1100.

Mr. Phillips moved to insert 1200; upon which the yeas and nays were called, and stood thus:

**YEAS:** Messrs. Cooke, Davis, Gage, Hart, Moffett, Pease, Phillips, Taylor, Van Derlip and Ward—10.

**NAYS:** Messrs. Brashear, Burleson, Grimes, Latimer, McRae, Portis, Robertson, Truit, Walker and Wallace—10; lost.

Mr. Burleson moved to strike out 1000, and insert 1050.

Mr. Van Derlip moved to insert 1100; upon which the yeas and nays were called, and stood thus:

**YEAS:** Messrs. Cooke, Davis, Gage, Hart, Moffett, Pease, Phillips, Taylor, Van Derlip and Ward—10.

**NAYS:** Messrs. Brashear, Burleson, Grimes, Latimer, McRae, Portis, Robertson, Truit, Walker and Wallace—10; lost.

The question then recurred on Mr. Burleson's motion to strike out 1000 and insert 1050, upon which the yeas and nays being called, stood:

**YEAS:** Messrs. Cooke, Davis, Gage, Hart, Moffett, Pease, Phillips, Taylor, Van Derlip and Ward—10.

**NAYS:** Messrs. Brashear, Burleson, Grimes, Latimer, McRae, Portis, Robertson, Truit, Walker and Wallace—10; lost.

Mr. Robertson moved to strike out 1000, and insert 800; the yeas and nays were as follows:

**YEAS:** Messrs. Brashear, Burleson, Portis, Robertson, Truit and Wallace—6.

**NAYS:** Messrs. Cooke, Davis, Gage, Grimes, Hart, Latimer, McRae, Moffett, Pease, Phillips, Taylor, Van Derlip, Ward and Walker—14; lost.

Mr. Van Derlip moved to strike out 900, and insert 1200 for salary of Secretary of State; a division of the question being called for, the motion to strike out was carried by the following vote:

**YEAS:** Messrs. Cooke, Davis, Gage, Latimer, McRae, Moffett, Pease, Phillips, Robertson, Taylor, Van Derlip and Wallace—12.

**NAYS:** Messrs. Brashear, Burleson, Grimes, Hart, Portis, Truit, Ward and Walker—8.

Mr. Pease moved to fill the blank with 1000.

Mr. Pease moved to fill it with 1200; upon which the yeas and nays were called, and stood thus:

**YEAS:** Messrs. Davis, Gage, Moffett, Pease, Phillips, Taylor and Van Derlip—7.

**NAYS:** Messrs. Brashear, Burleson, Cooke, Grimes, Hart, Latimer, McRae, Portis, Robertson, Truit, Ward, Walker and Wallace—13; lost.

The question then recurred on Mr. Pease's motion to fill the blank with 1000; upon which the yeas and nays and nays were as follows:

**YEAS:** Messrs. Davis, Gage, Grimes, Hart, Latimer, Moffett, Pease, Phillips, Taylor, Van Derlip and Ward—11.

**NAYS:** Messrs. Brashear, Burleson, Cooke, McRae, Portis, Robertson, Truit, Walker and Wallace—9 carried.

Mr. Brashear moved to strike out 500, and insert 600 for salary of clerk in the State Department; carried.

Mr. Van Derlip moved to strike out 1000, and insert 1200 for salary of Attorney General.

Mr. Phillips moved to insert 1500; lost.

The question then recurred on Mr. Van Derlip's motion to strike out 1000 and insert 1200; the yeas and nays being, called stoodas follows:

**YEAS:** Messrs. Davis, Gage, Moffett, Pease, Phillips, Portis, Taylor and Van Derlip—8.

**NAYS:** Messrs. Brashear, Burleson, Cooke, Grimes, Hart, Latimer, McRae, Robertson, Truit, Ward, Walker and Wallace—12; lost.

Mr. Davis moved to strike out 1000, and insert 1100; upon which the yeas and nays stood.

**YEAS:** Messrs. Davis, Gage, Moffett, Pease, Phillips, Portis, Taylor and Van Derlip—8.

**NAYS:** Messrs. Brashear, Burleson, Cooke, Grimes, Hart, Latimer, McRae, Robertson, Truit, Ward, Walker and Wallace—12; lost.

Mr. Brashear moved to strike out 550, and insert 600 for salary of Private Secretary.

Mr. Pease offered the following amendment:

The Private Secretary of the Governor shall receive, during the session of the Legislature, the same per diem pay as the Chief Clerk of the House of Representatives; upon the adoption of which the yeas and nays stood as follows:

**YEAS:** Messrs. Burleson, Latimer, McRae, Pease, Phillips, Taylor and Wallace—7.

**NAYS:** Messrs. Brashear, Cooke, Davis, Gage, Grimes, Hart, Moffett, Portis, Robertson, Truit, Van Derlip, Ward and Walker—13; lost.

The yeas and nays were then called on the motion of Mr. Brashear to strike out 550 and insert 600, and stood as follows:

**YEAS:** Messrs. Brashear, Cooke, Davis, Gage, Grimes, Hart, Moffett, Portis, Taylor, Van Derlip and Ward—11.

**NAYS:** Messrs. Burleson, Latimer, McRae, Pease, Phillips, Robertson, Truit, Walker and Wallace—9; carried.

Mr. Brashear moved to strike out 4, and insert 5 for the per

diem pay of the Secretary of the Senate and Chief Clerk of the House of Representatives; the yeas and nays were as follows:

YEAS: Messrs. Brashear, Davis, Portis, Robertson and Van Derlip; 5.

NAYS: Messrs. Burleson, Cooke, Gage, Grimes, Hart, Latimer, McRae, Moffett, Pease, Phillips, Taylor, Trout, Ward, Walker and Wallace—15; lost.

Mr. Phillips offered the following amendment:

Members of the Legislature and all officers attendant upon either branch of the Legislature, three dollars per day.

Mr. Robertson moved to amend the amendment by striking out three, and inserting five; upon which the yeas and nays were called, and stood as follows:

YEAS: Messrs. Davis and Robertson—2.

NAYS: Messrs. Brashear, Burleson, Cooke, Gage, Grimes, Hart, Latimer, McRae, Moffett, Pease, Phillips, Portis, Taylor, Trout, Ward, Walker and Wallace—18.

Mr. Van Derlip moved to amend the amendment by striking out "members of the Legislature"; lost.

Mr. Portis moved to amend the amendment by striking out "three," and inserting "four"; the yeas and nays stood thus:

YEAS: Messrs. Brashear, Cooke, Davis, Portis, Robertson and Taylor—6.

NAYS: Messrs. Burleson, Gage, Grimes, Hart, Latimer, McRae, Moffett, Pease, Phillips, Trout, Van Derlip, Ward, Walker and Wallace—14.

Mr. Burleson moved the previous question; carried.

The Chair decided that the previous question was the adoption of the amendment of Mr. Phillips; from which decision Mr. Portis appealed, the decision of the Chair was sustained. The amendment of Mr. Phillips was then adopted by the following vote:

YEAS: Messrs. Burleson, Gage, Grimes, Hart, Latimer, McRae, Moffett, Pease, Phillips, Taylor, Trout, Ward, Walker and Wallace—14.

NAYS: Messrs. Brashear, Cooke, Davis, Portis, Robertson and Van Derlip—6.

Mr. Robertson offered the following amendment:

For salary of Adjutant General, — dollars; lost.

Mr. Gage moved an adjournment; lost.

Mr. Gage moved the Senate adjourn until 3 o'clock; lost.

The yeas and nays being called on the engrossment of the bill, stood thus:

YEAS: Messrs. Brashear, Burleson, Cooke, Davis, Gage,

Grimes, Hart, Latimer, McRae, Moffett, Pease, Phillips, Portis, Taylor, Truit, Van Derlip, Ward, Walker and Wallace—19.

NAYS : Mr. Robertson—1.

A bill to be entitled an act creating the county of Tarrant; read second time, and, on motion of Mr. Cooke, referred to the committee on County Boundaries.

A bill to amend an act entitled an act establishing more permanently the seat of justice of Collin county, approved January 12, 1848; read second time, and, on motion of Mr. Walker, referred to the committee on County Boundaries.

A bill regulating the pay of electors of President and Vice President of the United States, originating in the House of Representatives; read second time.

On motion of Mr. Pease, a bill of the same caption, originating in the Senate, which was laid on the table, on yesterday, was taken up, and both referred to the committee on Privileges and Elections.

A bill to change the names of Melissa J., James Alexander, and Parola, Simonds; read second time, and, on motion of Mr. Wallace, referred to the committee on the Judiciary.

A bill to exempt buildings and grounds designed and used for purposes of education or public worship from taxation; read second time, and, on motion of Mr. Van Derlip, referred to the Finance committee.

A bill authorizing the Commissioner of the General Land Office to run the dividing line between old Fannin and Nacogdoches counties; read second time, and, on motion of Mr. Gage, laid on the table.

A bill to amend the 1st, 2d, and 3d sections of the act, concerning divorce and alimony; read second time, and, on motion of Mr. Wallace, referred to the Judiciary committee.

A bill for the relief of the heirs-at-law of John Dentworth; read second time, and, on motion of Mr. Robertson, referred to the Judiciary committee.

A bill for the relief of James Hall; read second time, and, on motion of Mr. Hart, laid on the table.

A message was received from the Governor, presenting three several communications in writing; one of which was referred to the committee on Claims and Accounts, viz : (transmitting the memorial of John W. King,) one containing information, relative to a digest of the statute laws by O. C. Hartley, referred to the committee on the Judiciary, and the other being nominations for Notaries Public, was laid on the table.

On motion of Mr. Brashear, the Senate adjourned.